

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FIRST REGION**

In the Matter of

G4S REGULATED SECURITY
SOLUTIONS

Employer¹

and

UNITED GOVERNMENT SECURITY
OFFICERS OF AMERICA
INTERNATIONAL UNION

Petitioner

Case 1-RC-22430

and

INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS OF
AMERICA, AMALGAMATED LOCAL
UNION 501

Union²

and

UNITED FEDERATION OF SPECIAL
POLICE & SECURITY OFFICERS, INC.

Intervenor

¹ The name of the Employer appears as amended at the hearing.

² Although the incumbent union, International Union, Security, Police and Fire Professionals of America, Amalgamated Local Union 501, was referred to in the record as “Intervenor,” I shall

DECISION AND DIRECTION OF ELECTION³

The Employer is engaged in the provision of security services at various locations throughout the United States, including a location at Seabrook Station, New Hampshire. The incumbent Union, International Union, Security, Police and Fire Professionals of America, Local Union 501, currently represents a unit of security officers employed at the Seabrook Station facility, and it is a party to a collective bargaining agreement with the Employer that is scheduled to expire on May 31, 2010. The Petitioner, United Government Security Officers of America, seeks to represent a unit of nuclear security officers, nuclear watch persons, and trainees. At the hearing, the Employer and the Petitioner stipulated to the appropriateness of the unit, and there were no issues litigated.⁴ There are approximately 160 employees in the stipulated unit.

Accordingly, based upon the foregoing and the stipulations of the parties at the hearing, I find that the following employees of the Employer constitute a unit appropriate for collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time nuclear security officers, nuclear watch persons, and trainees employed by the Employer at its Seabrook Station, New Hampshire location, but excluding all other employees and supervisors as defined in the Act.

refer to the incumbent union as "Union" in order to distinguish it from Intervenor United Federation of Special Police & Security Officers, Inc.

³ Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board. In accordance with the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the Regional Director.

Upon the entire record in this proceeding, I find that: 1) the hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed; 2) the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this matter; 3) the labor organizations involved claim to represent certain employees of the Employer; and 4) a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

⁴ No representatives of the Union or the Intervenor appeared at the hearing. The Intervenor's interest in the proceeding was not known by the Board prior to the hearing, and its written request to intervene was received by the Board on the morning of the hearing. In view of this interest, the motion to intervene was submitted into the record and granted, subject to the Intervenor's timely production of a sufficient showing of interest. I take administrative notice that the Intervenor subsequently produced a showing of interest adequate to support its status as an Intervenor.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by **United Government Security Officers of America International Union**, or by **International Union, Security, Police and Fire Professionals of America, Amalgamated Local Union 501**, or by **United Federation of Special Police & Security Officers**. The date, time and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election.

To be timely filed, the list must be received in the Regional Office on or before March 29, 2010. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted to the Regional Office by electronic filing through the Agency's website, www.nlr.gov,⁵ by mail, or by facsimile transmission at 617-565-6725. The burden of establishing the timely filing and receipt of the list will continue to be placed on the sending party.

Since the list will be made available to all parties to the election, please furnish a total of **four** copies of the list, unless the list is submitted by facsimile or e-mail, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for at least 3 working days prior to 12:01 a.m. of the day of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by April 5, 2010. The

⁵ To file the eligibility list electronically, go to www.nlr.gov and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu, and follow the detailed instructions.

request may be filed electronically through E-Gov on the Agency's website, www.nlr.gov,⁶ but may not be filed by facsimile.

DATED: March 22, 2010

/s/ Rosemary Pye

Rosemary Pye, Regional Director
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National Labor Relations Board
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⁶ To file the request for review electronically, go to www.nlr.gov and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu and follow the detailed instructions. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Agency's website, www.nlr.gov.